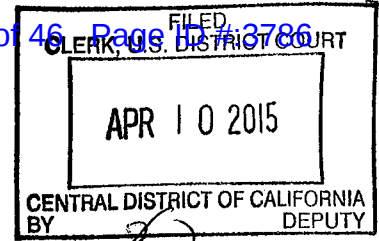


**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF DOCUMENT DISCREPANCIES



To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge Dolly M. Gee

From: Isabel Martinez, Deputy Clerk Date Received: March 26, 2015

Case No.: CV 11-3198-DMG(PJW) Case Title: Nadine Hays v. Transportation Security Administration (TSA)

Document Entitled: Plaintiff's Clarification of Misunderstood Material Facts; Plaintiff's Request for Clarification from the Court; Proposed Fourth Amended Complaint

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- | | |
|--|---|
| <input type="checkbox"/> Local Rule 5-4.1 | Documents must be filed electronically |
| <input type="checkbox"/> Local Rule 6-1 | Written notice of motion lacking or timeliness of notice incorrect |
| <input type="checkbox"/> Local Rule 7-19.1 | Notice to other parties of ex parte application lacking |
| <input type="checkbox"/> Local Rule 7.1-1 | No Certification of Interested Parties and/or no copies |
| <input type="checkbox"/> Local Rule 11-3.1 | Document not legible |
| <input type="checkbox"/> Local Rule 11-3.8 | Lacking name, address, phone, facsimile numbers, and e-mail address |
| <input type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge |
| <input type="checkbox"/> Local Rule 11-6 | Memorandum/brief exceeds 25 pages |
| <input type="checkbox"/> Local Rule 11-8 | Memorandum/brief exceeding 10 pages shall contain table of contents |
| <input type="checkbox"/> Local Rule 15-1 | Proposed amended pleading not under separate cover |
| <input type="checkbox"/> Local Rule 16-7 | Pretrial conference order not signed by all counsel |
| <input type="checkbox"/> Local Rule 19-1 | Complaint/Petition includes more than 10 Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 56-1 | Statement of uncontroverted facts and/or proposed judgment lacking |
| <input type="checkbox"/> Local Rule 56-2 | Statement of genuine disputes of material fact lacking |
| <input type="checkbox"/> Local Rule 83-2.5 | No letters to the judge |
| <input type="checkbox"/> Fed. R. Civ. P. 5 | No proof of service attached to document(s) |
| <input checked="" type="checkbox"/> Other: | <u>Case Closed 12-30-14. The Court has previously ruled on plaintiff's motion on these grounds.</u> |

Please refer to the Court's website at www.cacd.uscourts.gov for Local Rules, General Orders, and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date _____

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is NOT to be filed, but instead REJECTED, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

Date 4/10/15

Dolly M. Gee

U.S. District Judge / U.S. Magistrate Judge

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 - ORIGINAL-OFFICE

COPY 2 - JUDGE

COPY 3 - SIGNED & RETURNED TO FILER

COPY 4 - FILER RECEIPT

1 NADINE HAYS
2 370 Highland Hills Drive
3 Camarillo, CA 93010
4 (805) 484-4452
5 (818) 474-7676 – Fax
6 NadineHays@aol.com
7 In Pro Se
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UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DISTRICT

NADINE HAYS, an individual;

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al;

Defendants

Case No. CV11-3198 DMG (PJW)
Assigned for all purposes to:
Judge: DMG (PJW)
Dept: Currently Courtroom 23 for PJW

**PLAINTIFF'S CLARIFICATION OF MIS-
UNDERSTOOD MATERIAL FACTS;
PLAINTIFF'S REQUEST REQUEST FOR
CLARIFICATION FROM THE COURT;
PROPOSED FOURTH AMENDED
COMPLAINT**

Original Complaint Filed: 4-14-2011
Amended Complaint Filed: 7-25-2011
Second Amended Complaint Filed: 10-10-2012
Third Amended Complaint Filed: 1-14-13
Trial Date: None
Discovery Cut Off: None

This request for reconsideration is being made per FRCP 60(b)(1), as it was evident in the Court's denial (Doc 329) of PLAINTIFF'S MOTION FOR STAY OF JUDGMENT AND/OR

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;
PROPOSED FOURTH AMENDED COMPLAINT**

1 RECONSIDERATION OF ORDER DISMISSING ACTION WITH PREJUDICE (Doc 326)
2 that the Court's ruling has been based on a mistake or misunderstanding of the facts, and
3 therefore excusable neglect.

4 On January 16, 2015 Plaintiff submitted her pleading for a "stay of execution of the
5 judgment" and/or reconsideration of the judgment; (Doc 326). On February 9, 2015 Defendants
6 Tonya Aikens, Tessia Tetteh, and Transportation Security Administration filed their Opposition.
7 On February 25, 2015 the Court denied Plaintiff's motion; Doc. 329.

8 It became very apparent that the Court still is confused regarding crucial material facts.
9 The Court makes the following statement. "That did not happen here. Plaintiff presented her
10 claim that the TSA agents were imposters and that the federal government had *submitted a*
11 *doctored surveillance video showing Plaintiff striking one of the imposters at the airport.*"; Doc
12 329, 2:21-25. This statement is totally erroneous. Because of the convoluted facts currently
13 accepted as truths by this Court, an unjust judgment has been reached.

14 Plaintiff has never stated that the imposters were inserted into the video. The agents in
15 the video *are* the agents Plaintiff had her encounter with. At this time, Plaintiff would like to ask
16 the Court to completely forget about Plaintiffs statements about the video being altered and about
17 the imposters and to focus on the simple facts listed below, which Plaintiff now realizes is
18 precisely what the Court tried to get Plaintiff to do 2 years ago. Unfortunately Plaintiff became
19 so focused on the corruption throughout this case that she failed to focus on the key issues as
20 listed below:

- 21 1. Plaintiff was arrested on a falsified police report; **this was the fraud Plaintiff meant**
22 **to reference in her pleading.**

23
24
25
26 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;**
27 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;**
28 **PROPOSED FOURTH AMENDED COMPLAINT**

2. The material fact here lies in the fact that the government is claiming that the thinner agent was the supervisor, which she was not. Plaintiff should be allowed to do Discovery regarding this issue.
3. The government has named the two key TSA agents Tonya Aikens and Tessia Tetteh. Plaintiff has seen both of these individuals and has repeatedly told the Court that these individuals were NOT involved in the airport incident. Plaintiff has presented multiple documents to the Court and has presented them once again in this pleading; these documents show that the agents at the airport were Tanya Atkins/Atkens (see **Exhibit 1, *1** and **Exhibit 2**, page 1, *2) and Testad Tetteh (see **Exhibit 1, *2** and **Exhibit 2**, page 1, *1. This case should not be dismissed until the true identification of the agents at the airport, and in the surveillance video, has been authenticated per Federal Rules of Evidence Rule 901.
4. The heavy-set supervisor violated CPC § 148.5 when she stated that she did the tug-of-war over the cooler with Plaintiff when it was clearly done with the thinner screener. Plaintiff has a 6th Amendment right to face her accuser, which was the heavy-set supervisor. This never occurred during her criminal case, during her civil administrative case, nor in this case.
5. The citizen's arrest was not properly performed and was thereby unlawful. Plaintiff was extremely prejudiced by this negligent and unlawful act.
6. Plaintiff's right to do a citizen's arrest on the individual that had her arrested was violated when officers GREEN and ALBARO refused to do it, a violation of CPC § 142. Plaintiff was extremely prejudiced by this negligent and unlawful act.

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;
PROPOSED FOURTH AMENDED COMPLAINT**

1 **ISSUES OF MATERIAL FACT THAT ARE IN DISPUTE**

2 It is Plaintiff's understanding that when a case is presented, if there are issues of material
3 fact that are in dispute it should be up to the jury and not the Court to decide which side will
4 prevail based on 1.) the facts of the case and 2.) the law. Plaintiff has outlined the material facts
5 that she has consistently stated and yet the Court consistently chose to overlook. These have
6 been listed below.

7
8 **THE PLAINTIFF STATES THAT THE SUPERVISOR IS THE HEAVY SET AGENT**
9 **AND THE DEFENDANTS CLAIM THAT SHE IS THE THINNER AGENT.**

10 If Plaintiff is allowed to prove that she is right, and she knows that she can if she is
11 allowed to have limited Discovery, then she will be able to prove an issue that she has been
12 arguing from the time of her arrest, namely that, she was arrested on a falsified police report and
13 the supervisor is the one guilty of the criminal offense of providing false information to the
14 officers.

15 As things currently stand in the Court, because Discovery has not been allowed and the
16 identity of the agents have not been authenticated, the Court has basically become a co-
17 conspirator with Defendants and has violated its own Federal Rules of Evidence in not allowing
18 evidence that has been presented to the Court to be authenticated.

19
20 **THE COURT HAS MADE AN ERRONEOUS RULING OF PROBABLE CAUSE AS**
21 **THE VIDEO CLEARLY SHOWS THAT PLAINTIFF DID NOT STRIKE THE HEAVY-**
22 **SET TSA SUPERVISOR WHO WAS A BYSTANDER WHEN THE TUG-OF-WAR**
23 **OVER THE COOLER OCCURRED.**

24
25
26 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;**
27 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;**
28 **PROPOSED FOURTH AMENDED COMPLAINT**

1 Once again Discovery should be done in order to authenticate who was the supervisor
 2 and who was the screener. Once it is proven that the supervisor was the heavy-set agent, the
 3 video will clearly show that Plaintiff did not hit her as she was not the one involved in the tug-of-
 4 war over the cooler.

5
 6 **THE CITIZEN'S ARREST WAS NOT DONE PROPERLY AND THEREFORE THE**
 7 **CUSTODIAL ARREST OF PLAINTIFF WAS UNLAWFUL.**

8 Plaintiff has been struggling to learn the law as she progresses through her two cases in
 9 the Los Angeles Federal Courthouse. One very important issue that Plaintiff has discussed in
 10 previous pleadings is that the citizen's arrest was not performed properly.

11 CPC § § 837 and 841 describe in detail how a citizen's arrest must be done:

12 CPC § 837. A private person may arrest another:

- 13 1. For a public offense committed or attempted in his presence.
- 14 2. When the person arrested has committed a felony, although not in his presence.
- 15 3. When a felony has been in fact committed, and he has reasonable cause for
 16 believing the person arrested to have committed it.

17 CPC § 841. The person making the arrest must inform the person to be arrested of the
 18 intention to arrest him, of the cause of the arrest, and the authority to make it, except
 19 when the person making the arrest has reasonable cause to believe that the person to be
 20 arrested is actually engaged in the commission of or an attempt to commit an offense, or
 21 the person to be arrested is pursued immediately after its commission, or after an escape.
 22 The person making the arrest must, on request of the person he is arresting, inform the
 23 latter of the offense for which he is being arrested.

24 Plaintiff has consistently stated that the supervisor never confronted Plaintiff, never
 25 informed Plaintiff of her intention to have her arrested, and never told her why she was going to
 26 have Plaintiff arrested. This was in violation of CPC § 841 and made Plaintiff's arrest unlawful.

27 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
 28 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;
 PROPOSED FOURTH AMENDED COMPLAINT****

1 Consequently her seizure and incarceration violated her rights protected by the Fourth
2 Amendment of the U.S. Constitution.

3 Plaintiff wishes to cite *Dubner v. City and County of San Francisco* 1367, No. 99-17319,
4 United States Court of Appeals, Ninth Circuit for the fact that if a citizen's arrest is not properly
5 performed it can be considered to be unlawful.

6 In Dubner the following was stated:

7 *Although the plaintiff bears the burden of proof on the issue of unlawful arrest, she*
8 *can make a prima facie case simply by showing that the arrest was conducted without*
9 *a valid warrant. At that point, the burden shifts to the defendant to provide some*
10 *evidence that the arresting officers had probable cause for a warrantless arrest.*
11 *The plaintiff still has the ultimate burden of proof, but the burden of production falls*
12 *on the defendant. See Gilker v. Baker, 576 F.2d 245, 246 (9th Cir.1978) ("Once a*
13 *warrantless arrest is established, the burden of going forward with the evidence*
14 *passes to the defendant.").* See also, *Martin v. Duffie, 463 F.2d 464, 467 (10th*
15 *Cir.1972) (plaintiff who has been arrested without a warrant "need only present a*
16 *prima facie case of illegal arrest in order to sustain his burden"); Patzig v. O'Neil,*
17 *577 F.2d 841, 849 n. 9 (3d Cir.1978); Dellums v. Powell, 566 F.2d 167, 175-76*
18 *(D.C.Cir.1977). If the defendant is unable or refuses to come forward with any*
19 *evidence that the arresting officers had probable cause and the plaintiff's own*
20 *testimony does not establish it, the court should presume the arrest was unlawful.*

21 If the Court were to consider the statements made by Plaintiff as true, as it is supposed to
22 do, the video clearly shows that Plaintiff did *not* hit the supervisor, who was the heavier TSA
23 agent looking at the altercation and not participating in it.

24
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26 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;**
27 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;**
28 **PROPOSED FOURTH AMENDED COMPLAINT**

**THE ISSUE OF PROBABLE CAUSE SHOULD HAVE BEEN LEFT UP TO A JURY TO
DECIDE.**

Plaintiff never asked for a probable cause determination in this case. However, the Court made a decision that there was probable cause without having any substantial evidence. In fact, the Court is assuming that Tonya Aikens was the TSA supervisor that placed a citizen's arrest on Plaintiff. Plaintiff has declared that Tonya Aikens was not at the airport on April 16, 2009.

Contrary to this, Plaintiff had evidence to support her testimony that she had not hit anyone. These facts included:

1. The video does not show Plaintiff hitting anyone. The portion of the video that Defendants claim shows Plaintiff striking the TSA agent has the heavy-set agent blocking the view of where Plaintiff's raised hand lands.
2. If Plaintiff had struck the agent, the other agents would have immediately interceded to break up the "fight". This did not happen.
3. There was no evidence of a hit by the thinner agent's facial expression and physical activity after Plaintiff left the screening area.
4. Plaintiff will eventually prove that the supervisor was the heavy-set agent, that the video clearly shows the supervisor was not involved in the tug-of-war over the cooler, and that the Court erred when it stated there was probable cause for Plaintiff's arrest because it was assuming that the thinner agent was the supervisor which is incorrect.
5. Plaintiff testified that she never hit anyone. Knowledge is admissible evidence, whereas belief is not.
6. Plaintiff's criminal case was dismissed.

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;
PROPOSED FOURTH AMENDED COMPLAINT**

7. Plaintiff presented a third party witness declaration that stated Plaintiff never hit anyone.

8. There was no evidence of injury...in fact there were documents of NO INJURY. Yet the Court claims that Plaintiff hit the agent, a decision which greatly prejudiced Plaintiff.

9. If Plaintiff had really assaulted a federal agent in an airport, the other agents would not have simply observed what was going on. They would have immediately taken action to stop Plaintiff from moving out of the screening area. This did not happen.

This is indeed an issue of material fact that should have gone before a trier of fact.

Plaintiff was highly prejudiced by the Court's decision that battery had occurred and would like to ask the Court to reconsider its decision regarding probable cause once the totality of the circumstances is considered.

GREEN AND ALBARO VIOLATED CPC § 142 WHEN THEY FAILED TO PERFORM PLAINTIFF'S CITIZEN'S ARREST ON THE INDIVIDUAL THAT PLACED HER UNDER ARREST.¹

If GREEN and ALBARO had obeyed the law and followed through with Plaintiff's citizen's arrest, many of the issues could have been immediately resolved and prevented much of the PTSD damages. Because of this, Plaintiff was extremely prejudiced, as the real criminals walked away free while Plaintiff, an innocent person, was incarcerated and maliciously prosecuted several times for crimes she never committed.

¹ See *Wang v. Hartunian* (2003) 111 Cal.App.4th 744, 750 ["[T]he police were in fact obligated to take custody of Wang merely at the direction of Hartunian, that is, when Hartunian informed the police that he had arrested Wang."]; *Kesmodel v. Rand* (2004) 119 Cal.App.4th 1128, 1137 ["Because the Rands effected the citizen arrest the officers were obligated to accept custody of Kesmodel"].

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
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**ACCORDING TO FRCP Rule 56(e) THE EVIDENCE PRESENTED BY THE PARTIES
MUST BE ADMISSIBLE.**

Plaintiff was present and was directly involved in the incidents at the airport. Plaintiff has submitted multiple declarations to the Court regarding its findings that are erroneous. The Court has never allowed Plaintiff to authenticate and confirm the identity of the individuals that the government claims were involved in the airport incident. Plaintiff has seen both Tonya Aikens and Tessia Tetteh (who was present in this Court on April 5, 2013). Plaintiff has testified that these two individuals were not the individuals at the airport. Authentication of their identity and employment with TSA should be made before they can be accepted as the agents they have claimed to be.

Fraudulent deceit by the Federal government has managed to manipulate the Court to believe its erroneous statements over the truthful statements of Plaintiff. This not only prejudices Plaintiff and prevents justice from occurring in the Court, but it is also a violation of Federal Rule of Evidence 901.

**THE FOLLOWING FINDINGS OF THE COURT NEED TO BE AMENDED WHICH IN
TURN WILL ALTER THE FINAL JUDGMENT ACCORDINGLY.**

Plaintiff did cite to Rule 52(b) and has challenged the following findings:

1. The Court believes that the supervisor is the thinner agent. Plaintiff, who was involved in the incident, knows (which is evidence, whereas belief is not) that the thinner agent was the screener.
2. The Court believes that the tug-of-war over the cooler occurred between Plaintiff and the supervisor Tonya Aikens. Plaintiff knows that Tonya Aikens was not involved in the airport incident.

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;
PROPOSED FOURTH AMENDED COMPLAINT**

3. The Court believes that Plaintiff's referencing of fraud was related to her allegations that Tonya Aikens and Tessia Tetteh were imposters and that the federal government had submitted a doctored surveillance video. This is not correct. **The fraud Plaintiff was referencing was the fact that she was arrested on a falsified police report.**
4. The Court believes that Plaintiff was saying that the TSA agents in the video were imposters. This is not true. The Plaintiff has always testified that the agents in the videos were the real agents. However, the police report said that the supervisor, who was the heavy-set agent, was the one involved in the tug-of war yet the video clearly shows that the tug-of-war was with the thinner agent, who was the screener.
5. Because the supervisor told GREEN and ALBARO that she did the tug-of-war over the cooler with Plaintiff, when she didn't, she is guilty of placing a falsified police report, a violation of CPC § 148.5.
6. The arrest of Plaintiff was unlawful. The citizen's arrest was not properly done. Only an arrest by citation should have been done, rather than a custodial arrest.
7. GREEN and ALBARO were guilty of violating multiple laws: CPC § 841 (for not telling Plaintiff why she was being arrested), CPC § 142 (for not arresting the individual that had Plaintiff arrested, as Plaintiff asked to place a citizen's arrest on her), CPC § 853.5 AND 853.6 (for not simply citing and releasing Plaintiff for the alleged misdemeanor crime for which there was no evidence), and CPC § 841 (for not executing a lawful citizen's arrest).
8. Plaintiff's due process rights protected under the 14th Amendment of the U.S. Constitution were violated when the TSA supervisor told Plaintiff that she was going to confiscate the cooler and the food within it, when the supervisor had no authorization to

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
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1 do so. The supervisor was therefore guilty of trespass to chattels when she took custody
2 of Plaintiff's property without her permission.

3
4
5 **PLAINTIFF HAS ASKED TO REOPEN CASE CV12-8585 AS IT WAS DISMISSED**
6 **WITHOUT PREJUDICE (see Exhibit 4) PENDING EXHAUSTION OF**
7 **ADMINISTRATIVE REMEDIES, WHICH HAVE NOW BEEN EXHAUSTED (see**
8 **Exhibit 5).**

9 It is Plaintiff's understanding that under certain circumstances a civil case can be
10 reopened; see **Exhibit 6**, which states the following: "Every civil case may be reopened if the
11 prevailing party committed a fraud upon the court." This is precisely what has happened in
12 Plaintiff's case and, if allowed proper discovery, she will be able to prove that the Court has
13 erred due to the deceit of the Defendants. Plaintiff will prepare a separate motion for this to
14 occur.

15
16 **NOW THAT PLAINTIFF HAS EXHAUSTED HER ADMINISTRATIVE REMEDIES,**
17 **SHE WOULD LIKE TO PREPARE A VERY SIMPLE FTCA COMPLAINT WHICH**
18 **HAS A DUE PROCESS COMPLAINT AGAINST THE UNITED STATES FOR NOT**
19 **MAINTAINING ACCURATE RECORDS WHICH IS A VIOLATION OF THE**
20 **PRIVACY ACT.**

21 Since the United States generally is immune from suit, it cannot be held responsible for
22 tort claims unless it has specifically made allowances for this to occur. Since there is not statute
23 of limitations when fraud has occurred, Plaintiff wishes to first move forward with reopening
24 case CV 12-8585 DMG(PJW).

25
26 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;**
27 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;**
28 **PROPOSED FOURTH AMENDED COMPLAINT**

1 Plaintiff knows that she will be able to prove fraud upon the Court if she is allowed
2 Discovery in case CV 12-8585 DMG(PJW), namely that Tonya Aikens was not an agent at the
3 airport on April 16, 2009. This will then open the "can of worms" and clearly show that Emily
4 Daum, the TSA investigator, orchestrated the conspiracy to make Plaintiff look guilty of a crime
5 she never committed. Her report, which is filled with defamatory remarks, maliciously written
6 with the intention of putting the blame on an innocent person rather than for the blame where it
7 really belonged, which was on the heavy-set TSA supervisor that placed a falsified police report
8 and ordered the arrest of Plaintiff when she had not committed the alleged crime.

9 The United States had knowledge of the deceitful acts that occurred and failed to take
10 proper action. In fact, with the U.S. Attorney's certification, submitted by Andre Birotte (see
11 **Exhibit 7**), erroneous statements were made. There were several facts, however, that would
12 protect Andre Birotte from being prosecuted for participation in the fraud. First of all, his
13 statement was based on Plaintiff's First Amended Complaint, which was not accurate because
14 Plaintiff was not totally aware of the deceit that had been done. Secondly, even though Andre
15 Birotte signed the certification, he did not sign the certification under penalty of perjury.

16 The United States can be held liable for it's failure to maintain accurate records and
17 failure to take corrective action per 5 U.S.C. § 552a (g)(1)(C). This is the issue Plaintiff will
18 address in her FTCA Complaint.

21 CONCLUSION

22 Plaintiff was never allowed the opportunity to enter Discovery in this case, which
23 severely prejudiced her. The decisions that have been made in this case have been based on a
24 pack of lies, a situation upon which justice can never occur.

26 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;**
27 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;**
28 **PROPOSED FOURTH AMENDED COMPLAINT**

1 At this time Plaintiff simply wishes to confirm with the Court that her understanding of
2 the law is accurate, that she will be allowed to reopen case CV 12-8585 DMG (PJW) now that
3 her administrative remedies have been exhausted, and that she will be allowed to file her FTCA
4 Complaint at any time because there is no statute of limitations when fraud on the Court has been
5 committed. Since fraud on the Court has not yet been proven, the Court may want to
6 recommend to Plaintiff that her FTCA Complaint be filed immediately.

7 Plaintiff will once again request that this Court stay the execution of any judgment in this
8 case until all related cases have been properly disposed.

9 Plaintiff is also asking for permission to file the attached Fourth Amended Complaint
10 (**Exhibit 3**) which accurately reflects what has happened in this case. The video will not be
11 challenged. The imposters will not be mentioned. Under Rule 15 of the FRCP the Court is
12 required to "freely give leave when justice so requires," as the purpose underlying Rule 15 is to
13 facilitate decision on the merits. FRCP Rule 15; *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir.
14 200). Leave to amend is generally granted more liberally to *pro se* litigants. *Nunez v. Ramirez*,
15 No. 9-413-WQH (BGS, 2011 WL 768292, at *1 (S.D. Cal Feb. 1, 2011).

16
17 Respectfully submitted,

18 

19 Nadine Hays
20 Plaintiff, In Pro Se
21 Dated: 3/24/2015
22
23
24
25

26 **PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;**
27 **PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;**
28 **PROPOSED FOURTH AMENDED COMPLAINT**

Burbank-Glendale-Pasadena Airport Authority Police Department

Date Printed: 4/16/2009

Automated Law Enforcement Incident Report

Time Printed: 10:14:50PM

Page 1 of 2

ORIGINAL
ROUTING

INCIDENT DATA

Incident Type: 242 PC Battery
Address of Occurrence: 0 CHECK POINT B
Burbank, California

How Received: RADIO

Copies To: TSA
Occurred From: 04/16/2009 1257 HRS
Date Reported: 04/16/2009
Time Reported: 1257 HRS
Officer Assaulted or Killed: No

Arrival Time: 1300 HRS
Time of Call: 1257

Processed by: NGREEN
To: 04/16/2009 1300 HRS
Domestic: No
Complaint Status: CLEARED BY ARREST
Arson Related: No
Officer Injured: NO

Reporting Officer: Officer Norman Green

DR Number: 09-03631

VICTIM

Name: ATKINS, TANYA #1
Race: BLACK Sex: FEMALE

Occupation: TSA SUPERVISOR
Address: 2627 HOLLYWOOD WAY Phone: 846-6320 (818)
BURBANK, CA 91505

Identification Type: TSA ID ID Number: 64247

WITNESS

Name: TETTEH, TESTAD #2
Race: BLACK Sex: FEMALE

Occupation: TSA SCREENER
Address: 2627 HOLLYWOOD WAY Phone: 846-6320 (818)
BURBANK, CA 91505

Identification Type: TSA ID ID Number: 64328

KNOWN SUSPECT

Name: HAYS, NADINE KAY
Suspect Status: ADULT ARREST
Race: WHITE Sex: FEMALE SSN: [REDACTED] Place of Birth: CA
Date of Birth: [REDACTED] Marital Status: MARRIED

Identification Type: DRIVERS LICENSE Identification Number: [REDACTED]

Home Address: 370 HIGHLAND HILLS DR Phone: 484-4452 (805) [REDACTED]
CAMARILLO, CA 93010 [REDACTED]

Occupation: SELF EMPLOYED

Physical Description: (Age): 57 - 0 (Height) 510 - 0 (Weight) 155 - 0

Build: MED Hair Color: BLN
Complexion: FAR Hair Length: MEDIUM
Eye Color: BLU Hair Style: WAVY/CURLY

AR #: 090092

Inj. NO

Page 189

AR 09-0076

AIRPORT ARREST 242 PC
(CITIZEN'S ARREST)

DR 09-03631

4/16/2009

COPY

On 4/16/2009 at approx. 1255 hrs. I answered a radio call at the Terminal B check point. The call was dispatched as a 415 fight between TSA and a female passenger. I was requested to expedite as soon as possible the call was now a physical fight.

At my arrival Ofcr. Kakumu 319 was on scene. Ofcr. Kakumu had separated Suspect HAYS, NADINE KAY and the TSA screener. Suspect HAYS, was seated in the waiting area of the terminal.

*1
Ofcr. Albaro and I conducted interviews of the TSA personnel involved. TSA screener TETTEH, TESTAD #64328 said, S/HAYS entered the screening area with several items of carry on. Because of the carry on items S/HAYS was selected for additional screening. One of the items selected for further screening was an ice chest S/HAYS wanted to take on the aircraft.

TSA screener TETTEH explained to S/HAYS the items in the ice chest were not allowed on board the aircraft, that she could surrender the items and they would be disposed of, or she could place them inside her check in luggage. TSA screener TETTEH said that S/HAYS wanted to drink one of the sodas in the ice chest. TSA screening protocol does not allow passengers to reach into luggage that is being searched, nor can passengers open and drink from containers brought into the screening area. S/HAYS had become uncooperative and was yelling at the TSA screener. TSA screener TETTEH called for her supervisor.

*2
TSA supervisor ATKENS, TANYA #64247 went through the TSA protocol concerning carry on items with S/HAYS. S/HAYS wanted to drink one of the sodas reached into the ice chest and said I'm going to drink the soda now. S/HAYS was advised by TSA supervisor ATKENS to stop. As per TSA protocol supervisor ATKENS picks up the ice chest to escort S/HAYS out of the screening area. S/HAYS grabs supervisor ATKENS left arm and

10/25/15
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tries to take the ice chest from her. Both S/HAYS and supervisor ATKENS are pulling back and forth on the ice chest.

S/HAYS make's a fist and strikes TSA supervisor on the left hand, while grabbing her arm. After my investigation I asked TSA supervisor ATKENS if she was desirous of prosecution on S/HAYS for battery? Supervisor ATKENS said yes. I explained this would be a citizen's arrest and what would be required of her during the proceedings. Victim ATKENS requested a citizen's arrest form which is attached with this report.

I explained to S/HAYS that she was being placed under citizen's arrest for 242 P.C. Battery on a person. At which time she was taken into custody. S/HAYS was advised of her rights under MIRANDA. Ofcr. ALBARO 309 asked S/HAYS if she wished to talk about the incident. S/HAYS said yes that she wanted to talk about it. S/HAYS said that she did not know what really happened. That she was travelling with her invalid mother to Nashville, Tenn. That she did not understand what was going on. I did not ask any further questions from S/HAYS other than what was required during the booking process at Burbank City Jail. The signed Admonition of Rights Card is attached with this report.

The screening area is under video surveillance. I requested our dispatch to replay and copy the incident on a DVD disk. That DVD disk has been placed into evidence in the Burbank Police property room under DR # 09-03631 with BAR CODE # 100201987

EXHIBIT 3 --- FOURTH AMENDED COMPLAINT

1 NADINE HAYS
2 370 Highland Hills Drive
3 Camarillo, CA 93010
4 (805) 484-4452
5 (818) 474-7676 – Fax
6 NadineHays@aol.com
7 In Pro Se

8 **UNITED STATES DISTRICT COURT,**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DISTRICT**

10 NADINE HAYS, an individual;

11 Plaintiff,

12 vs.

13
14 UNITED STATES OF AMERICA,
15 DEPARTMENT OF HOMELAND SECURITY,
16 TRANSPORTATION SECURITY
17 ADMINISTRATION (“TSA”),
18 STEPHEN WALKER (“WALKER”),
19 KELLY BERG (“BERG”),
20 BURBANK-GLENDALE-PASADENA
21 AIRPORT AUTHORITY (“BGPA”),
22 BURBANK-GLENDALE-PASADENA
23 AIRPORT AUTHORITY POLICE,
24 DEPARTMENT (“BGPAAPD”),
25 OFFICER GREEN (“GREEN”),
26 OFFICER ALBARO (“ALBARO”),
27 DOE 1: the heavy-set TSA supervisor;
28 DOE 2: the thinner TSA screener;
DOES 3-10

Defendants

Case No. **CV11-3198 DMG (PJW)**

Assigned for all purposes to:

Judge: DMG (PJW)

Dept: Currently Courtroom 23 for PJW

FOURTH AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

Original Complaint Filed:

4/14/11

Second Amended Complaint Filed:

10/10/12

Third Amended Complaint Filed:

1/14/2013

Trial Date:

None

Discovery Cut Off:

None

FOURTH AMENDED COMPLAINT

JURISDICTION AND VENUE

1. This is a civil action brought pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 2201. This Court also has supplemental jurisdiction over the pendent state law claims because the state law claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution, pursuant to 28 U.S.C., Section 1367.
2. This action arises under the Civil Rights Act of 1871, the First, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, 42 USC §§ 1983, 1985, and 1986, *Bivens*, California Government Code, California Civil Code, California Penal Code, and under California common law.
3. As far as Plaintiff is aware, the unlawful conduct and illegal practices alleged in this Complaint were committed in the Central District of California. Venue therefore lies in this district, pursuant to 28 U.S.C., Sections 1391(b).

INTRODUCTION

4. Plaintiff has the following questions of public concern and to which, through this lawsuit, will hopefully find the answers.
 1. Is it acceptable for Federal agents to lie and for their actions to harm another person?
 2. Is it acceptable for law enforcement officers to violate the law and not be appropriately disciplined for their illegal acts?
5. Plaintiff filed her Original Complaint in the Los Angeles Federal District Court on April 14, 2011. Because of the complexity and size of this case, there were a large number of defendants and a large number of Claims For Relief.

- 1 6. Defense counsels tried desperately to have Plaintiff's case dismissed. When Plaintiff tried
2 to condense her case (First Amended Complaint), she was told there were no facts and she
3 was making "bald assertions". When she tried to furnish details to illustrate that there
4 were facts to substantiate her claims (Second Amended Complaint), the result was a very
5 large complaint.
- 6 7. Defense counsels made a Motion For A More Definite Statement.
- 7 8. On December 12, 2012 Magistrate Judge Patrick Walsh granted Defendants motions for a
8 more definite statement, which became moot as Plaintiff was granted leave to amend her
9 complaint and to submit a Third Amended Complaint. Judge Walsh was very adamant that
10 Plaintiff only address her Bivens and 42 U.S.C. § 1983 claims in her Third Amended
11 Complaint. At the time Plaintiff was suffering severely from PTSD and it was difficult, in
12 fact it was impossible, for her to focus on these simple claims when she knew about
13 corruption that was far worse than her custodial arrest and incarceration. Consequently
14 Plaintiff's Third Amended Complaint expanded on issues beyond the day of her arrest.
- 15 9. On March 24, 2015 Plaintiff asked the Court for leave to amend her Third Amended
16 Complaint so that she could focus on the material facts of this case and not confuse the
17 Court. This is Plaintiff's proposed Fourth Amended Complaint.
- 18 10. Although Plaintiff's case had been dismissed with prejudice by Judge Dolly M. Gee on
19 December 30, 2014, Plaintiff has made numerous requests for reconsideration and
20 clarification to the Court in order to avoid doing an appeal, which would only stretch out
21 this case even longer. There is no doubt in Plaintiff's mind that with all of the facts known,
22 this case would be remanded.

FOURTH AMENDED COMPLAINT

FACTS COMMON TO ALL CLAIMS FOR RELIEF

11. Plaintiff, Nadine Hays, entered Bob Hope/Burbank Airport in Burbank, California on Thursday, April 16, 2009 at approximately 12:15 pm with her 93-year old mother, Eleanor Albrecht ("ALBRECHT") and her mother's caregiver Mele Kuli ("KULI").
12. Plaintiff had a cooler with food (salami, cheese, grapes, cottage cheese, yogurt and applesauce) and beverages (milk, diet soda) for her elderly mother.
13. When Plaintiff entered the screening area, DOE 2, the thinner TSA screener, told Plaintiff she could not take the foods and liquids in the cooler on the plane even though Plaintiff explained to her that they were medically necessary items for her 93-year old mother.
14. Plaintiff explained to DOE 2 that she had called TSA about the food and liquids and that they had told her it was alright for a person with medical needs and that the screeners were trained on how to handle the situation. DOE 2 still refused to allow the food to pass through the screening area. Plaintiff asked for a supervisor.
15. When the heavy-set supervisor, currently known as DOE 1, inspected the cooler, she concurred with DOE 2 that the food and beverage items could not go on the plane. DOE 1 closed up the cooler, and, without Plaintiff's permission, walked away from Plaintiff with the cooler. Neither DOE 1 nor DOE 2 informed Plaintiff what they intended to do with the cooler and food.
16. Plaintiff left the screening area and was able to stop the two agents.
17. Plaintiff pleaded with the agents to put the cooler with her mother's wheelchair in the cargo section of the plane.
18. DOE 1 refused and said, "We're going to confiscate everything."

FOURTH AMENDED COMPLAINT

1 19. Plaintiff reached for the cooler as DOE 1 passed it to DOE 2; DOE 2 used excessive force
2 as she refused to relinquish possession of the cooler back to its legal owner, namely the
3 Plaintiff.

4 20. At approximately 12:59 p.m. a tug-of-war proceeded to occur over the cooler between
5 DOE 2 and Plaintiff. This was a painful activity for Plaintiff, as she had severe arthritis in
6 her hands. Plaintiff was acting in behalf of her disabled mother as she tried to gain back
7 the cooler and food.

8 21. DOE 2 looked up at DOE 1 and smiled, as though she was having fun playing this game
9 with Plaintiff.

10 22. Plaintiff then gave the cooler a strong tug, won possession of the cooler, and proceeded to
11 dump the contents of the cooler into the nearest trash can. While doing this she announced
12 to those in the area: "I want everyone here to witness the fact that if anything happens to
13 my mother because these agents are not allowing the food to go on board, I will hold them
14 personally responsible."

15 23. The TSA officials could see that Plaintiff was not going to "hold her tongue" regarding the
16 acts of the agents. This was indeed a liability to them and Plaintiff's removal to deescalate
17 the situation was eminent.

18 24. Plaintiff gathered her belongings, all of which had cleared the screening process. She then
19 proceeded to the American Airlines boarding gate.

20 25. American Airlines agent MASSINGALE refused to allow Plaintiff to board the plane.

21 26. KAKUMU, the retention officer from the BGPAAPD, approached Plaintiff at
22 approximately 1:02 pm and asked her to have a seat, to which she complied.

23 27. Plaintiff asked KAKUMU if she was going to be arrested and he told her no.

24 28. Shortly thereafter GREEN and ALBARO, the two arresting officers from the BGPAAPD,
25 arrived.

26
27 **FOURTH AMENDED COMPLAINT**
28

1 29. DOE 1 gave a false police report claiming to have been the one involved in the tug-of-war
2 over the cooler of snacks when in actuality it had been with DOE 2. She falsely claimed
3 that Plaintiff had hit her in the struggle and that she wanted to have Plaintiff arrested.

4 30. Officers GREEN and ALBARO advised DOE 1 that it would have to be a citizen's arrest.
5 GREEN and ALBARO, knowing the law, should have properly orchestrated the citizen's
6 arrest, which they failed to do. By law, when a citizen's arrest is done it is the one placing
7 the arrest on the individual that must inform the individual of their intention to have them
8 arrested, what they did to deserved being arrested and under what authority or law the
9 arrest is being made. Since none of this happened, the citizen's arrest was not properly
10 executed per CPC § 841 and it was thereby unlawful.

11 31. DOE 1, knowing that the citizen's arrest would result in the confinement of Plaintiff, acted
12 with great malice toward Plaintiff. By placing the citizen's arrest on Plaintiff, DOE 1
13 instigated the confinement of Plaintiff. DOE 1's actions were ratified by TSA. It was also
14 ratified by agents DOE 2, WALKER, BERG, and other TSA DOE Defendants that
15 witnessed the event in the airport and can be seen on the surveillance video.

16 32. GREEN and ALBARO, the two arresting officers, approached Plaintiff, had her stand up
17 and put her hands behind her back. GREEN and ALBARO were acting under color of law
18 as part of the BGPAAPD.

19 33. Both ALBARO and GREEN proceeded with an unlawful citizen's arrest.

20 34. Not only was the citizen's arrest improperly conducted, thus making it unlawful, but
21 GREEN and ALBARO also acted unlawfully when they performed a custodial arrest on
22 Plaintiff when they were only authorized by state statute to cite and release her (CPC §
23 853.6).

27 **FOURTH AMENDED COMPLAINT**

1 35. GREEN and ALBARRO used excessive force as they unlawfully¹ and without probable
2 cause, cuffed Plaintiff, against her will.

3 36. GREEN and ALBARRO then walked Plaintiff from the terminal to the police car without
4 telling her why they were doing this to her; this was unlawful². Plaintiff broke down in
5 tears. Since Plaintiff had not committed a crime, her 4th Amendment Constitutional right,
6 to be free from unreasonable seizure, was violated.

7 37. After being in the patrol car for approximately 15 minutes, Plaintiff was finally told that
8 one of the TSA agents (they did not specify which one) had placed a citizen's arrest on her
9 for battery.

10 38. Plaintiff repeatedly told GREEN and ALBARO that she did not hit anyone.

11 39. If the tug-of-war was being considered "battery", then Plaintiff told the officers that she
12 wanted to place a citizen's arrest on the agent that had her arrested.

13 40. GREEN and ALBARO unlawfully did not follow through with the Plaintiff's citizen's
14 arrest.³

15 41. Plaintiff believes MORALES was a TSA supervisor that came into the terminal after
16 Plaintiff had left the terminal. MORALES found out what had actually happened from
17

18 ¹ CPC 853.6 states that if a misdemeanor crime occurs, an officer can "arrest" the individual by
19 having them sign a citation where they agree to appear in court. This is sometimes called an
20 RFC or release from custody. It also states: "Only if the arrestee refuses to sign a written
21 promise, has no satisfactory identification, or refuses to provide a thumbprint or fingerprint may
the arrestee be taken into custody."

22 ² CPC § 841 states: "The person making the arrest must, on request of the person he is arresting,
23 inform the latter of the offense for which he is being arrested."

24 ³ CPC § 142 states: "(a) Any peace officer who has the authority to receive or arrest a person
25 charged with a criminal offense and willfully refuses to receive or arrest that person shall be
26 punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state
27 prison, or in a county jail not exceeding one year, or by both that fine and imprisonment."

DOE 1, namely that Plaintiff had argued with them over the cooler and that DOE 1, wanting to remove Plaintiff from the area, placed a citizen's arrest on her. The mere fact that MORALES made no disciplinary move illustrated her support of DOE 1's actions.

42. GREEN and ALBARO then used excessive force as they incarcerated Plaintiff at the Burbank jail against her will.

43. As soon as they arrived at the Burbank police station and jail, ALBARO left and Plaintiff was escorted solely by GREEN. When GREEN and Plaintiff entered the jail, there was one prisoner at the booking window, 1 prisoner cuffed to the handrail, and then Plaintiff.

44. Plaintiff had been having painful episodes prior to this trip with her knee. She knew that she would have to have a knee replacement sometime soon. In the meantime, when her knee throbbed with pain, the only way she could ease the pain would be to take her weight off of it.

45. While waiting to be booked, Plaintiff's knee started to hurt. Plaintiff politely asked GREEN if she could have a chair to sit down on. GREEN said that would not be possible. Consequently Plaintiff lowered her body to the ground in order to relieve the weight on her knee. All of this was done while her hands were still cuffed behind her. Both the pain and the embarrassment caused Plaintiff to cry uncontrollably.

46. Plaintiff finally asked GREEN if he could put one of the cuffs on the handrail like the prisoner in front of her.

47. GREEN finally obliged so Plaintiff could have one hand free to wipe her nose and eyes. Plaintiff faced constant humiliation for the next 5 hours, as she was moved from the booking window, to the holding cell, and finally to the dormitory.

48. Plaintiff panicked when she saw what appeared to be a holding cell. Multiple women were being placed in a room where one wall was completely transparent (either glass or plexiglass); this wall faced the central room for the police employees, so that everything

FOURTH AMENDED COMPLAINT

1 that went on in the cell was in clear view, including when the prisoner needed to use the
2 bathroom facility. This was highly demoralizing and embarrassing to the Plaintiff, who
3 had never been in a jail before in her life.

4 49. Plaintiff was fearful of the type of women she was to share space with.

5 50. The booking process was a nightmare for Plaintiff. Plaintiff was ordered to remove her bra
6 and shoelaces. She then had a mug-shot photo taken followed by digital fingerprinting..

7 Finally she had thick black ink rolled onto her hands so that ink fingerprints could be done.

8 There was no soap and water furnished to clean up her hands after this horrific ordeal. She
9 was only given a paper towel. All of this was done without against Plaintiff's will and
10 without her permission.

11 51. Plaintiff attempted to use the phone in the dorm, but it was not functioning well. She felt
12 totally isolated and heart-broken.

13 52. Plaintiff was finally released on her own recognizance around 9 PM that night. No bail
14 was paid at the time of her release. When Plaintiff was released, her purse was returned
15 with all of the items having been removed, inventoried, and placed in a sealed plastic bag.
16 All of this was done without Plaintiff's permission.

17 53. Plaintiff's shoe laces and bra were also given back to her. Plaintiff was not provided a
18 facility where she could go to get properly dressed before the Burbank police released her
19 to the street. This was an extremely humiliating event considering the modesty standards
20 of Plaintiff. GREEN unlawfully wrote a falsified police report which demonized the
21 Plaintiff and made her appear as a violent individual.⁴ GREEN turned in a copy of the
22 video from the airport incident to the Burbank Police Department.

23
24
25 ⁴ CPC 118.1 states: "118.1. Every peace officer who files any report with the agency which
26 employs him or her regarding the commission of any crime or any investigation of any crime, if
27 he or she knowingly and intentionally makes any statement regarding any material matter in the
28

1 54. When Plaintiff returned to Burbank from Nashville she once again had the cooler filled
2 with snacks for her mother. When she approached a TSA agent at the Nashville Airport,
3 she explained what had happened to her at the Burbank airport a week prior. The agent
4 appeared amazed that such unprofessional conduct had been tolerated. The agent then
5 proceeded to examine the contents of the cooler and personally escorted Plaintiff to a
6 manned, but not busy, screening area. The agent informed the screener that the items in
7 the cooler were OK and Plaintiff only had to do the standard personal procedures (removal
8 of shoes, etc.) in order to clear the inspection area. The situation was handled very
9 professionally. The food and liquid items were allowed to go on the plane.

10 55. While on her trip to Tennessee, on or about Monday, April 20, 2009, Plaintiff was formally
11 charged with the alleged crime of battery, a misdemeanor. A criminal complaint that was
12 based upon that allegation was filed in Los Angeles County Superior Court in Burbank,
13 California.

14 56. On October 18, 2010 Plaintiff's criminal case was dismissed by the prosecution in
15 Plaintiff's favor. TSA, abusing the judicial system and exercising unwarranted and
16 excessive force, continued to proceed with a civil administrative lawsuit where they wanted
17 to fine Plaintiff for "interfering with the screening process". Plaintiff made a motion to
18 Judge MC KENNA for picture identification of DOE 1. Plaintiff's motion was denied by
19 MC KENNA. This was a denial of Plaintiff's right to due process, as she still had not been
20 able to identify her accuser.

21
22
23 report which the officer knows to be false, whether or not the statement is certified or otherwise
24 expressly reported as true, is guilty of filing a false report punishable by imprisonment in the
25 county jail for up to one year, or in the state prison for one, two, or three years. This section shall
26 not apply to the contents of any statement which the peace officer attributes in the report to any
27 other person."

28 **FOURTH AMENDED COMPLAINT**

1 57. DAUM, the TSA inspector, wrote a very inaccurate report that demonized Plaintiff and
2 made her appear guilty of battery, which she never did; this was a violation of Plaintiff's
3 due process rights under the 14th Amendment to the U.S. Constitution. Because of this
4 report, the civil administrative action was filed against Plaintiff. Plaintiff was able to have
5 this case dismissed on December 3, 2010.

6 58. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as DOES
7 1 through 10, inclusive, and therefore sues such Defendants by said fictitious names.
8 Plaintiff will seek leave to amend this Complaint to allege their true names and capacities
9 when the same are ascertained. Plaintiff is informed and believes, and thereupon alleges
10 that said DOE Defendants are in some manner intentionally or negligently responsible for
11 the wrongs and injuries hereinafter alleged and that Plaintiffs' injuries were proximately
12 caused by said acts. The DOE Defendants are being sued in their individual and official
13 capacities.

14 59. The respective agencies for the above named Defendants, namely the United States, the
15 Department of Homeland Security, the TSA, the BGPAA, and the BGPAAPD acted
16 recklessly, intentionally, and with gross negligence and the lack of training was so reckless
17 or grossly negligent that deprivation of Plaintiff's constitutional rights was substantially
18 certain to result.

19 60. Plaintiff alleges that named Defendants' supervisors ratified the behavior of their
20 subordinates and can also hereby be held accountable under 42 U.S.C. § 1983. If they had
21 not ratified the behavior they certainly would have sent Plaintiff a letter of apology for the
22 offenses committed and explained the disciplinary actions that had been taken on the
23 employee that violated Plaintiff's constitutional rights

24 61. Plaintiff is informed and believes, and on that basis alleges, that each and every act alleged
25 in this Complaint to have been done by the Defendants and/or their agents, officers and
26

27 **FOURTH AMENDED COMPLAINT**
28

employees, as herein alleged, was done by each Defendant, along with the DOE Defendants, in the execution and implementation of the official policies, practices and customs of the respective employers, i.e., the TSA, the BGPAA, and the BGPAAPD. The mere fact that the agencies did not discipline their employees for their offensive acts substantiates the fact that the agencies did, in fact, ratify, and thereby adopt, the policy of it being acceptable to ignore an individual's constitutional rights, as well as their legal rights.

62. Plaintiff is informed and believes, and on that basis alleges that many of the Defendants were the agent and employee of many of the remaining Defendants and, in doing the things hereinafter alleged, were acting within the course and scope of such agency and employment with the knowledge, consent and ratification of the other Defendants.

63. Many of the Defendants in this case acted as individuals, and they also acted under color of authority and pretense of the laws, statutes, regulations, customs and usage of the United States of America, the State of California, the County of Los Angeles, the City of Burbank and under the authority of their official capacities.

64. Many of the above named Defendants, in doing the things complained of herein, acted with many of the other Defendants in conspiracy and with the knowledge and consent and at the instructions of the other Defendants. Said acts occurred in the scope of and in furtherance of such conspiracy. Said Defendants acted so, willfully, knowingly and purposefully, with the specific intent to injure Plaintiff.

65. All Defendants are sued as individuals and in their official capacity.

66. All Defendants that have claims against them under 42 U.S.C. § 1983 and Bivens are guilty of having deprived Plaintiff the rights protected by the federal Constitution. Such deprivation was proximately caused by the conduct of the Defendant who acted under color of law. Damages, as listed below, occurred.

FOURTH AMENDED COMPLAINT

1 67. Government entities have tried to be dismissed from this case due to Plaintiff's failure to
2 state a custom or policy that violates her constitutional rights. Plaintiff has pointed out that
3 the agencies have indeed 1. Failed to train their employees on the law and civil rights of
4 American citizens, 2. Failed to thoroughly investigate a crime, 3. Failed to discipline where
5 illegal or unconstitutional acts have been committed. Such activities are indeed a violation
6 of Plaintiff's right to due process.

7 68. These agencies are consistently breaking the laws themselves, which is a violation of an
8 American citizen's right to due process.

9 69. The mere fact that such unlawful and unconstitutional acts are allowed to be done and are
10 not punished by the government entity are indeed proof that such conduct is acceptable and
11 endorsed by the government entities and are an unwritten custom or policy.

12
13 **DAMAGES**

14 70. As an actual and proximate result of the fact that Defendants criminally prosecuted
15 Plaintiff, Plaintiff incurred attorneys' fees in excess of \$15,000, incurred substantial
16 personal expenses, suffered humiliation, mental anguish, nervous distress, sleeplessness,
17 and disruption to her relationship with her family and husband, was unable to work due to
18 stress caused by the prosecution and therefore lost income, and incurred medical and other
19 health care expenses.

20 71. Plaintiff was physically and emotionally harmed by the unlawful acts of the Defendants.
21 Plaintiff to date is still suffering severe psychological distress due to Post Traumatic Stress
22 Disorder. The symptoms Plaintiff currently suffers include but are not limited to:

- 23 1. Short term memory loss,
24 2. Panic attacks when approached by officers of the law, when loud sirens are in the
25 area, and when traveling and having to go through the TSA screening process,
26

1 3. Tangential thought process, and

2 4. Depression.

3 72. Plaintiff has not been able to function as a mother, a grandmother, and a wife due to the
4 stress of being maliciously prosecuted for a crime she did not commit.

5 73. Plaintiff's income and potential earning power has been greatly compromised due to this
6 incident.

7 74. Plaintiff's family members were likewise traumatized by all of the events that occurred
8 after the April 16, 2009 arrest. Plaintiff and her family members are indeed crime victims.
9 They have all suffered emotionally, financially, and socially due to the wrongdoings
10 related to this case.

11 75. Plaintiff lost the support of both family and friends when they viewed the surveillance
12 video. Many thought Plaintiff had acted inappropriately in defying the orders of the TSA
13 agents.

14 76. Plaintiff needed to find a new circle of friends. She became very active politically.

15 77. Plaintiff's family has had great difficulty adapting to the "new normal" as the
16 psychologists have termed it...a change that needs to be accepted and not expected to ever
17 go back to "the way things used to be."

18
19
20 **CLAIMS FOR RELIEF**

21 **CLAIM FOR RELIEF #1**

22 **Deprivation of Life, Liberty, and Property Without Due Process of Law**

23 **4th and 14th Amendment to the U.S. Constitution**

24 **42 U.S.C., Section 1983 – State agents**

25 **Bivens – Federal agents**

26 **Defendants: DOE 1, DOE 2, GREEN, ALBARO, MORALES, DOE TSA agents that**
27 **observed the incident and did not speak up for the truth**

28 **FOURTH AMENDED COMPLAINT**

1 78. Plaintiff reiterates paragraphs 1-77 above and incorporates such by reference herein.

2 79. Plaintiff's cooler was unlawfully seized by DOE 1, against Plaintiff's will and without
3 probable cause.

4 80. DOE 1 then proceeded to file a falsified police report. DOE 1 claimed to have been the
5 one that did the struggle with Plaintiff over the cooler when in actuality it was with DOE 2.
6 DOE 1 made an unlawful citizen's arrest without probable cause, on Plaintiff and charged
7 her with misdemeanor battery, a crime Plaintiff never committed. DOE 1's acts were the
8 catalyst for Plaintiff being arrested and incarcerated by GREEN and ALBARO, officers
9 with the BGPAAPD.

10 81. GREEN and ALBARO incarcerated Plaintiff without her permission and without probable
11 cause; If GREEN and ALBARO had looked at the instant video available at the airport
12 before arresting and incarcerating Plaintiff, they would have easily seen that DOE 1 was
13 placing a falsified police report. Since the officers did not see Plaintiff commit the crime,
14 they owed Plaintiff the duty to do a thorough investigation. Investigative work is indeed a
15 part of due process. They failed to do so, thus denying Plaintiff her right to liberty without
16 due process of law.

17 82. GREEN and ALBARO's arrest of Plaintiff was unlawful for the following reasons:

- 18 a. The citizen's arrest was not done properly and violated CPC § 841, which states
19 that "the person making the arrest must inform the person to be arrested of the
20 intention to arrest him, of the cause of the arrest, and the authority to make it."
21 DOE 1 did not tell Plaintiff that she was going to be arrested. DOE 1 did not tell
22 Plaintiff what caused her to want to arrest Plaintiff. DOE 1 did not tell Plaintiff
23 what the charge against her was going to be. Because the citizen's arrest was not
24 properly executed, it was unlawful. **THIS WAS THE MOST SERIOUS**
25 **BLUNDER IN THIS ENTIRE CASE. IF A PROPER CITIZEN'S ARREST**
26 **HAD BEEN DONE, THE REAL CRIMINAL, NAMELY DOE 1, THE TSA**

**SUPERVISOR, WOULD HAVE BEEN CAUGHT IN THE ACT OF
PLACING A FALSIFIED POLICE REPORT. PLAINTIFF WOULD NOT
HAVE BEEN ARRESTED AND PLAINTIFF WOULD NOT HAVE BEEN
PLAGUED WITH PTSD FOR THE REST OF HER LIFE.**

b. Plaintiff was denied the right to face her accuser (6th Amendment to the U.S. Constitution).

c. GREEN and ALBARO were only authorized by state statute to do a “cite and release arrest” per CPC § 853.6. Because GREEN and ALBARO broke the law, they lost the cloak of qualified immunity, Because GREEN and ALBARO broke the law and did a custodial arrest on Plaintiff, her rights protected by the 4th Amendment were violated.

83. All of the TSA agents that witnessed this incident at the airport knew what the facts were. They knew that the tug of war had been with DOE 2 and not DOE 1. They knew the heavy-set supervisor was placing a falsified police report, yet they failed to speak up. Their failure to come forward with the truth added to the damages endured by Plaintiff. They allowed Plaintiff’s reputation to be damaged and denied Plaintiff her right to liberty without due process of law. If they had told the truth, the real criminal would have been prosecuted, namely DOE 1, the heavy-set supervisor, for filing a false police report and having Plaintiff arrested for a crime she never did.

84. Plaintiff believes MORALES was a TSA supervisor that talked with DOE 1 and found out what had really happened. MORALES had it in her power to approach Plaintiff in the patrol car, to apologize for DOE 1’s illegal conduct, to have DOE 1 withdraw the citizen’s arrest, and to get Plaintiff, her mother, and the caregiver out on the next available flight. MORALES, however, did not do this and by keeping the truth a secret she violated

1 Plaintiff's right to due process and acted as a co-conspirator with DOE 1 in enabling an
2 unlawful arrest to be done.

3
4 **'CLAIM FOR RELIEF #2**

Excessive Use of Force

5 **4th Amendment to the U.S. Constitution**

6 **42 U.S.C., Section 1983 – State agents**

Bivens – Federal agents

7 **Defendants: DOE 2, GREEN, ALBARO**

8 85. Plaintiff reiterates paragraphs 1-84 above and incorporates such by reference herein.

9 86. DOE 2 used excessive force when she refused to give Plaintiff back her cooler. This was a
10 painful experience for Plaintiff, as she has severe arthritis in her hands and the pulling and
11 tugging aggravated the arthritic joints.

12 87. GREEN and ALBARO used excessive force when they chose to physically detain and
13 incarcerate Plaintiff for a misdemeanor crime. By law the most extreme action allowed for
14 a misdemeanor offense was a written citation. GREEN and ALBARO violated this law.
15 They handcuffed Plaintiff against her will, which was excruciatingly painful as Plaintiff
16 has severe arthritis in her hands and wrists and the pressure of the tight handcuffs hurt.
17 Their actions utilized excessive use of force, which traumatized Plaintiff, caused her to
18 suffer an emotional breakdown, and gave her post-traumatic stress disorder (PTSD).

19 88. All agents were acting under color of state and/or federal law. Plaintiff's constitutional
20 right not to be subjected to use of excessive force was violated by Defendants. The
21 Defendants' acts were the proximate cause of the injuries claimed by Plaintiff.

22
23 **CLAIM FOR RELIEF #3**

Failure to Prevent Conspiracy of False Arrest and Imprisonment

24 **4th Amendment to the U.S. Constitution**

25 **42 U.S.C., Section 1983 – State agents**

26 **42 U.S.C. Section 1985 – State agents**

42 U.S.C. Section 1986 – State agents

27
28 **FOURTH AMENDED COMPLAINT**

Bivens – Federal agents

Defendants: TSA, DOE 1, DOE 2, GREEN, ALBARO, MORALES, all TSA agents that observed the incident and did not speak up for the truth

89. Plaintiff reiterates paragraphs 1-88 above and incorporates such by reference herein. Defendants knew that DOE 1 had placed a falsified police report when she stated that she was the individual that had done the tug-of-war with Plaintiff when in actuality it had been with DOE 2. Defendants knew that Plaintiff had committed no crime, yet they failed to intervene or speak up for Plaintiff. Said negligence resulted in Plaintiff's incarceration and malicious prosecution, which caused PTSD which has permanent life-altering effects on its victims.

CLAIM FOR RELIEF #4

**Violation of Freedom of Speech
1st Amendment to the U.S. Constitution
Americans With Disabilities Act
Bivens – Federal agents
Defendants: DOE 1**

90. Plaintiff reiterates paragraphs 1-89 above and incorporates such by reference herein.

91. Plaintiff believes that the illegal arrest initiated by DOE 1 was partially due to her making the public announcement that she would hold the agents responsible if anything happened to her mother because they were not going to allow the food to go on board for her. They could easily see that Plaintiff wanted the public to become aware of the wrongdoings that were happening in the airport. TSA's best way to minimize the public awareness was to remove Plaintiff from the premises. Such a retaliatory act violated Plaintiff's constitutionally protected right to freedom of speech.

CLAIM FOR RELIEF #5

**Conspiracy to Prevent Freedom of Speech
1st Amendment to the U.S. Constitution
Americans With Disabilities Act
Bivens – Federal agents**

FOURTH AMENDED COMPLAINT

Defendants: DOE 1, DOE 2, WALKER, BERG, all DOE TSA agents that witnessed the incident at the airport and failed to speak up

92. Plaintiff reiterates paragraphs 1-91 above and incorporates such by reference herein.

93. Plaintiff was acting in behalf of her 93-year old mother, whose health mandated that she be able to keep food and liquids available as needed. TSA has allegedly trained its employees regarding the special needs of the elderly. The protocol was in place, but DOE 1 refused to follow the protocol and made a very vindictive decision when she decided to have Plaintiff arrested when Plaintiff had not broken a single law or regulation.

94. Not only was Plaintiff protected by the First Amendment to speak up and openly when her rights were being violated, but as an agent acting for her disabled mother she was also protected from retaliation by Title V of the Americans With Disabilities Act, which reads as follows:

PROHIBITION AGAINST RETALIATION AND COERCION

SEC. 12203. [Section 503]

(a) Retaliation. - No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

(b) Interference, coercion, or intimidation. - It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

(c) Remedies and procedures. - The remedies and procedures available under sections 12117, 12133, and 12188 of this title [sections 107, 203 and 308] shall be available to aggrieved persons for violations of subsections (a) and (b) of this section, with respect to subchapter I, subchapter II and subchapter III, respectively, of this chapter [title I, title II and title III, respectively].

As public servants the TSA employees should have been mindful of the fact that their duty is to serve the public and not to harass the public. In this incident all of the TSA agents that

FOURTH AMENDED COMPLAINT

1 were within the area saw the incident occur. Each and every one of them could have intervened
2 and stopped the harassment that DOE 1 inflicted on Plaintiff as Plaintiff tried to protect her
3 mother's right to have her food and as Plaintiff tried to exert her First Amendment right and
4 speak up against the actions of DOE 1 and DOE 2. Instead of speaking up, all of the TSA agents
5 in the area endorsed the unlawful act of DOE 1 and can therefore be considered to be co-
6 conspirators in the crime. The behavior of DOE 1 was especially despicable as the video clearly
7 shows her laughing at the abuse that was given to Plaintiff.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff prays for judgment and relief against Defendants, and each of
10 them, as follows:


11 **AS TO ALL CLAIMS FOR RELIEF**

- 12 1. For actual damages in an amount according to proof;
13 2. For General and Special damages in an amount according to proof;
14 3. For costs of suit incurred;
15 4. Prejudgment interest;
16 5. For a statutory civil penalty in the sum of \$25,000, pursuant to Civil Code, § 52(b);
17 6. For exemplary and punitive damages in an amount according to proof;
18 7. For such other relief as the court may deem just and equitable.

19
20 **DEMAND FOR JURY TRIAL**

21 Plaintiff demands a jury trial as to all issues and claims that might be tried to a jury.

22 Respectfully submitted,

23 

24 Nadine Hays

25 In pro se

26 Dated: 3/24/15

27
28 **FOURTH AMENDED COMPLAINT**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

JS-6

Case No. CV 12-08585 DMG (PJWx)

Date February 14, 2013

Title *Nadine Hays v. United States of America*

Page 4 of 4

the United States' sovereign immunity for claims arising out of torts committed by federal employees."). In order to maintain a claim under the FTCA, a claimant "shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail." 28 U.S.C. § 2675(a). A claim is deemed presented for purposes of Section 2675(a) when a party files "(1) a written statement sufficiently describing the injury to enable the agency to begin its own investigation, and (2) a sum certain damages claim." *Blair v. I.R.S.*, 304 F.3d 861, 864 (9th Cir. 2002) (citing *Warren v. United States Dep't of Interior Bureau of Land Mgmt.*, 724 F.2d 776, 780 (9th Cir. 1984) (*en banc*)). Because this exhaustion requirement is jurisdictional, it "must be strictly adhered to." See *Valadez-Lopez v. Chertoff*, 656 F.3d 851, 855 (9th Cir. 2011) (citing *Brady v. United States*, 211 F.3d 499, 502 (9th Cir. 2000)).

Plaintiff filed an administrative complaint regarding the April 16, 2009 incident on January 22, 2011. (See Declaration of Robert Grimes, ¶ 4, Ex. 1 [Doc. # 10-1].) The administrative complaint describes Plaintiff's altercation with TSA agents Tesseh Tetteh and Tonya Aikens and the resulting arrest for battery. (*Id.* at 14.) It claims that Agents Tetteh and Aikens, as well as two TSA screeners, made false statements to police and prosecutors about the nature of Plaintiff's conduct which resulted in Plaintiff's criminal prosecution. (*Id.*) The administrative complaint does not describe the subsequent events that give rise to Plaintiff's present claims, namely, Plaintiff's alleged discovery that Defendant Aikens was not the officer involved in the Burbank incident and fraudulently signed the Citizen's Arrest Form. (See Compl. at 3.) Indeed, Plaintiff wrote her administrative complaint prior to discovering Defendant Aikens' allegedly fraudulent actions, and therefore the administrative complaint could not have placed TSA on notice of the specific injuries arising out of that alleged fraudulent misconduct. See *Blair*, 304 F.3d at 864.

Plaintiff has failed to exhaust her administrative remedies with respect to the claims alleged in the Complaint. See 28 U.S.C. § 2675(a). Accordingly, the Court lacks subject matter jurisdiction over this action and Defendant's Motion to Dismiss is **GRANTED**. Any amendment of Plaintiff's claims would be futile and therefore the action is **DISMISSED** without prejudice to the filing of a complaint after exhaustion of administrative remedies. The February 22, 2013 hearing is **VACATED**.

IT IS SO ORDERED.

CV-90

CIVIL MINUTES—GENERAL

Initials of Deputy Clerk vv

U.S. Department of Homeland Security

Office of Chief Counsel (TSA-2)
601 South 12th Street
Arlington VA 20598-6002



Transportation
Security
Administration

March 2, 2015

Nadine Hays
370 Highland Hills Drive
Camarillo, California 93010-1247

Re: **Nadine Hays (TSA Control No. 2015021820686)**

Dear Ms. Hays:

This is in response to your administrative claim dated January 14, 2015, submitted to the Transportation Security Administration (TSA) under the Federal Tort Claims Act (FTCA).

The subject matter from which the claim arises is the same as that of your previous administrative claims presented to, and denied by, TSA. Accordingly, we are unable to accept the claim for presentment and will take no further action on this matter.

Additional information about FTCA can be found in title 28, sections 1346(b), 1402(b), 2401(b), and 2671-2680 of the United States Code and title 28, part 14 of the Code of Federal Regulations. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Brett Barber".

Brett Barber
Paralegal

Can a civil case be reopened if disposed?



Mark Swarthout Law & Legal Issues Supervisor

Under certain circumstances a civil case can be reopened. A party may be relieved from a final judgment in cases of mistake, inadvertence, surprise or excusable neglect. If such relief is granted, that effectively reopens the case for further proceedings.

Also, a case may be reopened if there is newly discovered evidence which would probably have altered the judgment. It would most likely have to be proved that the new evidence could not have been discovered sooner using due diligence.

A case may be reopened if it is dismissed without prejudice for a procedural matter such as failing to provide discovery, failing to file appropriate pleadings or even failing to appear for trial, a motion to reopen or restore the case to the active calendar may be made. Most dismissals for failing to provide discovery are routinely reinstated on motion if the required discovery is provided.

If a case is disposed of by way of summary judgment or on motion to dismiss at the end of a party's case, a motion for reconsideration may be made by the losing party. On rare occasions the trial judge might be persuaded that an error was made and reverse the decision rather than be taken up on appeal and have the appellate court reverse and remand.

Every civil case may be reopened if the prevailing party committed a fraud upon the court or if the judgment is void. A judgment may be void if the court had no jurisdiction to hear the case or if a party was not properly served or for various other reasons.

In general, cases that have been disposed of may never simply be refiled. They are either, appealed or reopened. One instance where a case may refiled is where the court that disposed of the case never had jurisdiction to hear it. If it had no jurisdiction to hear it in the first place, it has no jurisdiction to hear it after reopening it.

1 ANDRÉ BIROTTE JR.
United States Attorney
2 LEON W. WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
THOMAS K. BUCK
4 Assistant United States Attorney
California State Bar No. 70307
5 Room 7516, Federal Building
300 North Los Angeles Street
6 Los Angeles, California 90012
Telephone: (213) 894-3989]
7 Facsimile: (213) 894-7819
Email: tom.buck@usdoj.gov

8 Attorneys for Defendants
9 Transportation Security Administration and Tesia Tetteh

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 NADINE HAYS,

14 Plaintiff,

15 v.

16 TRANSPORTATION
17 SECURITY
ADMINISTRATION (TSA),
18 et al.

Defendants.

NO. CV 11-3198 DMG (PJW)

CERTIFICATION OF THE UNITED
STATES ATTORNEY RE
DEFENDANTS TONYA AIKENS,
TESIA TETTEH, AND STEPHEN
WALKER

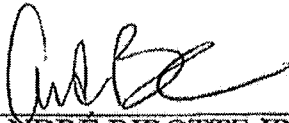
21 I, André Birotte Jr., United States Attorney for the Central District of
22 California, pursuant to the provisions of 28 U.S.C. § 2679(d), and by virtue of the
23 authority vested in me by the Attorney General of the United States under 28 C.F.R.
24 § 15.3(a), hereby certify as follows:

25 1. I have read the First Amended Complaint, filed July 25, 2011, in Nadine
26 Hays v. Transportation Security Administration, et al., CV11-3198 DMG (PJW).

27 2. On the basis of the First Amended Complaint, and all information
28 known to me, defendants Tonya Aikens, Tesia Tetteh, and Stephen Walker,

1 employees of the Transportation Security Administration, were acting within the
2 course and scope of their employment with the United States at all times material to
3 the events alleged in the First Amended Complaint.

4
5 DATED: 12/2/11

6
7 
8 ANDRÉ BIROTTE JR.
9 United States Attorney
10 Central District of California
11
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PROOF OF SERVICE – CIVIL

1. At the time of service I was over 18 years of age and not a party to this action. My residence address is: 370 Highland Hills Dr.; Camarillo, CA 93010.
2. On 3/24/2015 I served a copy of the following document:

**PLAINTIFF'S CLARIFICATION OF MISUNDERSTOOD MATERIAL FACTS;
PLAINTIFF'S REQUEST FOR CLARIFICATION FROM THE COURT;
PROPOSED FOURTH AMENDED COMPLAINT;** dated 3/24/2015

3. Persons served :

Rodolfo F. Ruiz
E-mail: rruiz@vrlawyers.com
Representing: BURBANK-GLENDALE-PASADENA AIRPORT
AUTHORITY, BURBANK-GLENDALE-PASADENA AIRPORT
AUTHORITY POLICE DEPARTMENT, GREEN, ALBARO, NEAL,
KAKUMU, FURGIVELE

Carol A Humiston
FAX: 818-238-5724
Representing: BARLOW, BURBANK CITY ATTORNEY'S OFFICE,
BURBANK POLICE DEPARTMENT, ROSS, WEI, BAKER, LA CHASSE,
CREMINS, HAWVER, ROSS

Mr. Thomas Buck
E-mail: Tom.Buck@usdoj.gov
Representing: TETTEH, MORALES, WALKER, BERG, DAUM, SETOUDEH,
TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF
HOMELAND SECURITY, UNITED STATES

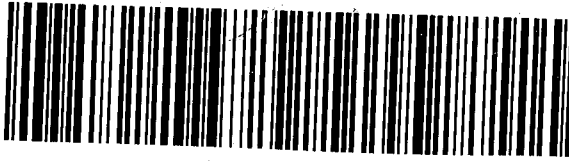
Signed: _____

John A. Hays

Date: 3/24/2015

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Central District of California
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Los Angeles, CA 90012-4101